CF 100/-

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

Writ Petition No: 3222 **/2003**

PETITIONER : DR. ARVIND KUMAR SHUKLA,
S/o Shri Raguuvir Shukla,
Aged About 50 years,
Medical Officer, District Hospital,
District: Bilaspur (Chhattisgarh)

P.R. No. 3621/03
Presented by Shri Vivek Sharma
01/10/03

-Versus-

RESPONDENTS : 1) State of Chhattisgarh,
Through Secretary,
Deptt of Public Health & Family Welfare
DKS Bhawan, Mantralaya, Raipur (CG)

2) The Director,
Public Health Services,
State of Chhattisgarh, Raipur (CG)

3) The Civil Surgeon & Chief Medical
Officer, Bilaspur, Distt: Bilaspur (CG)

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1.10.03
CLERK TO A.G. BILASPUR

WRIT PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA :

01/10/03

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर (27)

आदेश पत्रक

मामला क्रमांक W.P.No.3222/2003 सन् 200

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	21/11/2003 Shri Dhirendra Mishra, counsel for the petitioner. Shri Sanjay K. Agarwal, Dy. A.G. for the respondents/State. Heard. By this writ petition under Article 226/227 of the Constitution of India, the petitioner is seeking relief against the order dated 07/09/1998 by which the then State of M.P. gave senior class pay scale of Rs. 3,000/- to 4,500/- to the Doctors. However, the petitioner was not given this benefit on the ground that the service record of the petitioner was incomplete and in that order it was made clear that 206 posts of Medical Officers in above senior class pay scale are being kept vacant. The petitioner represented for ~~payment as per~~ grant of senior class pay scale with effect from 01/01/1990 vide his various representations, but the respondents have not decided the same.	

[पीछे दाखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	The case of the petitioner is that in the year 1983 he was selected by the Public Service Commission and in the merit list his place was at serial number 153 and ~~at this~~ no departmental enquiry was pending against the petitioner. A certificate dated 21/03/2000 to that effect was issued by the respondent no.3 (Annexure P/1). In the year 1998 the erstwhile State of Madhya Pradesh gave senior pay scales to the Assistant Surgeons who were working in the junior pay scales. This pay scale was given to the various Medical Officers, but the names of other Medical officers who are otherwise entitled, were not included in the said list on the ground that in some cases departmental enquiries are pending and in some other cases they were appointed on ad-hoc basis and in some other cases their service records were not traceable and not complete. Therefore, 206 posts were kept vacant. Though the petitioner is continuously making the representations to the respondents, but no avail.	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

(31)

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	3	

I have heard both the counsel for the petitioner Mr. Dhirendra Mishra and Mr. Ranbir Singh, G.A. for the State.

Counsel for the petitioner submits that the petitioner was regularly appointed as Doctor after selection by the Public Service Commission and in the year 2000 some Doctors' names were considered for the senior pay sale whereas the case of the petitioner was not considered though he was eligible. For the reasons best known to the respondents, the name of the petitioner was not included in the list and when enquiries were made, then those 206 Doctors who were left out were informed that senior pay scale could ,not be granted to them as in some cases some enquiries are pending against them and in some cases they were appointed on ad-hoc basis and in some other cases their service records were not traceable or in complete. Learned counsel for the petitioner submits that in either of these categories the case of the petitioner is not covered. So far as the question of service record is concerned, it is the responsibility

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

of the respondents and if any document or assistance is required in order to complete the record of the petitioner, then the respondents should ask the petitioner to submit those documents, but they cannot sit over the matter for indefinite period. In the given situation, learned counsel for the petitioner submits that the petitioner may be allowed to make a detailed representation raising all his grievance and respondents be directed to decide that representation to which learned Government Advocate has no objection.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a detailed representation raising all his grievance to the respondent no.2 within a period of two weeks from today and in turn, respondent no.2 will decide the representation of the petitioner within a period of three months considering all the grievance of the petitioner and will pass an reasoned order.

[पीछे देखिये

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(33)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -5-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	with the aforesaid observations and directions, this writ petition is disposed of. Certified copy as per rules. Sd/- L.C.BHADOO Judge	